

## Message Text

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PAGE 01 STATE 151766  
ORIGIN EA-09

INFO OCT-01 ISO-00 AS-01 L-03 PM-04 CIAE-00 INR-07  
NSAE-00 JUSE-00 SCA-01 /026 R

DRAFTED BY DOD/ISA:KBLEAKLEY:CMD  
APPROVED BY EA/PHL:BAFLECK  
L/EA:PNORTON (DRAFT)

-----000973 300025Z /62

R 292146Z JUN 77  
FM SECSTATE WASHDC  
TO AMEMBASSY MANILA  
INFO SECDEF  
CNO  
CMC  
CSAF(JACI)  
CHNAVPERS  
NAV JAG WASHDC  
CINCPAC  
CINCPACFLT  
CINCPACAF HICKAM  
COMUSNAVPHIL SUBIC  
13AF CLARK  
NAVLEGSVCOFF SUBIC  
3CSG CLARK

C O N F I D E N T I A L STATE 151766

E.O. 11652: GDS

TAGS: MILI, PGOV, RP

SUBJECT: OFFICIAL DUTY CASES

REF: MANILA 9197

1. THIS IS IN RESPONSE TO SECRETARY MACARAIG'S QUESTION  
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(PARAS 4 AND 10 REFTL) CONCERNING COLLECTION OF PHILIPPINE  
CIVIL JUDGMENTS FOR MONEY DAMAGES WHEN THE RESPONDENT HAS  
RETURNED TO THE UNITED STATES. THE FILIPINO PLAINTIFF  
WHO OBTAINS A MONEY JUDGMENT IN A COURT OF THE PHILIPPINES  
AGAINST A MEMBER OF THE U.S. FORCES OR CIVILIAN COMPONENT  
WOULD BE LEFT TO THE SAME DEVICES FOR COLLECTION OF THE  
JUDGMENT AS IF THE RESPONDENT WERE NOT COVERED BY THE

MILITARY BASES AGREEMENT. IF THE RESPONDENT RETURNS TO THE UNITED STATES THE RULES FOR ENFORCEMENT OF THE JUDGMENT WOULD DEPEND UPON THE JURISDICTION IN WHICH THE RESPONDENT IS LOCATED, BUT AT A MINIMUM WOULD REQUIRE RECOGNITION OF THE FOREIGN JUDGMENT BY A COURT OF COMPETENT JURISDICTION IN THE U.S. IT IS NOT POSSIBLE FOR THE DEPT. TO SUMMARIZE THE RULES CONCERNING RECOGNITION OF FOREIGN JUDGMENTS OF ALL 50 U.S. JURISDICTIONS, NOR TO ANTICIPATE THE LIKELY OUTCOME OF ANY PARTICULAR CASE.

2. THERE WOULD IN ANY EVENT BE NO USG OBLIGATION EITHER TO ENFORCE OR ASSIST IN ENFORCEMENT OF JUDGMENTS OF PHILIPPINE COURTS. NOR IS THERE A CLAIMS STATUTE UNDER WHICH THE USG WOULD HAVE THE AUTHORITY TO MAKE PAYMENTS IN SATISFACTION OF A PHILIPPINE JUDGMENT. APPROPRIATE ADMINISTRATION OF EX GRATIA REMEDIES UNDER THE FOREIGN CLAIMS ACT SHOULD, HOWEVER, PRECLUDE IN MANY CASES ANY HARDSHIP ASSOCIATED WITH ABOVE SITUATION. ALTHOUGH FOREIGN JUDGMENTS ARE NOT BINDING ON U.S. MILITARY FOREIGN CLAIMS COMMISSION THEY WOULD CERTAINLY BE SERIOUSLY CONSIDERED IN THE COMMISSION'S INDEPENDENT DETERMINATION OF AWARD. CHRISTOPHER

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NNN

## Message Attributes

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**Current Classification:** UNCLASSIFIED  
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**Disposition Approved on Date:**  
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**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 22 May 2009  
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**Subject:** OFFICIAL DUTY CASES  
**TAGS:** MILI, PGOV, RP  
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**Review Markings:**  
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